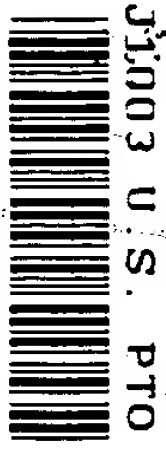


08/08/01



J11003 U.S. PTO

BROWDY AND NEIMARK, P.L.L.C.  
ATTORNEYS AT LAW  
PATENT AND TRADEMARK CAUSES  
SUITE 300  
624 NINTH STREET, N.W.  
WASHINGTON, D.C. 20001-5303  
TELEPHONE (202)-628-5197

ALVIN BROWDY (1917-1998)  
SHERIDAN NEIMARK  
ROGER L. BROWDY

ANNE M. KORNBAU  
NORMAN J. LATKER  
DIANA MICHELLE SOBO\*

OF COUNSEL  
IVER P. COOPER  
JAY M. FINKELSTEIN

August 8, 2001

#7/A  
AQ  
5/3/02

TELECOPIER FACSIMILE  
(202) 737-3528  
(202) 393-1012

E-MAIL  
mail@browdyneimark.com

PATENT AGENT -  
ALLEN C. YUN, PH.D.

\*ADMITTED IN FL ONLY  
PRACTICE SUPERVISED BY  
PRINCIPALS OF THE FIRM



Hon. Commissioner for Patents  
Box Patent Appln  
Washington, D.C. 20231

Re: New U.S. Continuation Patent Application  
Applicant: Yoshihiro NISHIDA et al.  
Title: PEPTIDES  
Atty's Docket: NISHIDA=3A

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☐ Application Data Sheet
- ☒ Specification (49 pages), claims (8 pages) sequence listing (15 pages) and abstract (1 page)
- ☒ 4 Sheets Drawings (Figures 1-5)
  - ☒ FORMAL ☐ Informal
- ☒ Declaration and Power of Attorney (2 page(s))
  - ☐ Newly executed ☒ Copy from prior application no. 09/338,511
- ☐ Preliminary Amendment
  - ☐ Computer-readable Sequence Listing
- ☐ Supplemental Preliminary Amendment
- ☐ Information Disclosure Statement with SB/08A and \_\_\_ references
- ☐ Applicant claims small entity status. See 37 C.F.R. §1.27.
- ☒ Communication
- ☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ 1,142.00 to cover:
  - ☒ The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 710.00
TOTAL CLAIMS	44 - 20	= 24	x 18	432.00
INDEPENDENT CLAIMS	1 - 3	= 0	x 80	--
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 270	--
<input type="checkbox"/> Reduction of 1/2 for Small Entity				
TOTAL FILING FEE				\$ 1,142.00

In re of

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 80	
<input type="checkbox"/> Multiple Dependent Claim Presented				+ 270	
<input type="checkbox"/> Reduction by 1/2 for Small Entity					
Total Additional Fee =					

- ☐ Other Fees: \_\_\_\_\_
- ☐ Other Attachments: \_\_\_\_\_
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☐ Applicant hereby requests that this application not be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- ☒ The benefit under 35 USC §119 is claimed of the filing date of:  
Application No. 177580 in Japan on June 24, 1998. A certified copy of said priority document ☐ is attached ☒ was filed in progenitor case 09/338,511 on October 7, 1999.  
Application No. 289044/1998 in Japan on October 12, 1998. A certified copy of said priority document ☐ is attached ☒ was filed in progenitor case 09/338,511 on October 7, 1998.  
Application No. 365023/1998 in Japan on December 22, 1998. A certified copy of said priority document ☐ is attached ☒ was filed in progenitor case 09/338,511 on October 7, 1998.
- ☐ The present application claims the benefit of U.S. Provisional Appln. No. 60/\_\_\_\_\_, filed \_\_\_\_.
- ☒ The present application is a ☒ Continuation of prior Application No. 09/338,511, filed June 23, 1999.
- ☒ Amend the specification by inserting before the first line the sentence:

☒ --This is a continuation of copending parent application No. 09/338,511, filed June 23, 1999--

☐ --The present application claims the benefit of U.S. Provisional Appln. No. 60/\_\_\_\_\_, filed \_\_\_\_--

☐ --The present application is the national stage under 35 U.S.C. §371 of international application \_\_\_\_\_ which designated the United States[, which international application was published under PCT Article 21(2) in English].--

- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is attached.
- ☒ The application is assigned to: KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU KENKYUJO whose address is 2-3, 1-chome, Shimoishii, Okayama-shi, Okayama, Japan.

In re of

- [X] Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/338,511, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- [X] The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed in application no. 09/338,511, filed June 23, 1999. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application (or included in a separately filed preliminary amendment for incorporation into the specification).
- [X] As in the parent application 09/338,511, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- [X] Any additional filing fees required under 37 CFR §1.16.
  - [X] Any patent application processing fees under 37 CFR §1.17.
- [X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- [X] Any patent application processing fees under 37 CFR §1.17.
  - [ ] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
  - [X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.
  - [X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- [X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Allen C. Yun

Registration No. 37,971

ACY:pr

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: NISHIDA=3A

In re Application of:	)	Art Unit: 1646
	)	
NISHIDA et al.	)	Examiner: D. JIANG
	)	
Appln. No.: Not Yet Assigned	)	Washington, D.C.
	)	
Filed: On Even Date Herewith	)	August 8, 2001
	)	
For: PEPTIDE	)	
	)	
	)	

**COMMUNICATION**

Honorable Commissioner for Patents  
Washington, D.C. 20231

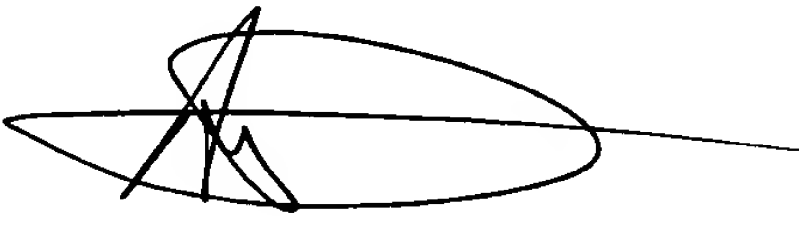
Sir:

Although the present application is nominally designated a continuation, in the event that the examiner deems that a requirement for restriction is necessary, it is requested that applicants be given the opportunity to make an election.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By: \_\_\_\_\_



Allen C. Yun  
Registration No. 37,971

ACY:pr  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528